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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR
THE ELABORATION OF AN INTERNATIONAL CONVENTION
TO COMBAT DESERTIFICATION IN THOSE COUNTRIES
EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA
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Agenda item 2

ELABORATION OF AN INTERNATIONAL CONVENTION TO COMBAT DESERTIFICATION IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR DESERTIFICATION, PARTICULARLY IN AFRICA

Negotiating Text of a Regional Implementation Annex for Africa

Note by the Secretariat

1. At its third session in New York, the INCD requested the Secretariat to draft the negotiating text of a Regional Implementation Annex for Africa, which would serve as the basis for discussions in Working Group II during its fourth session in Geneva. The text is attached for the Committee's consideration.

2. In preparing the negotiating text, the Secretariat took into careful consideration statements by INCD members on this issue during the third session. The Secretariat also drew heavily on written submissions received from governments and intergovernmental organizations after that session, and containing additional comments and drafting proposals. Furthermore, the Secretariat benefitted from preparatory activities in Africa as well as consultations with the International Panel of Experts on Desertification and relevant United Nations Agencies.

3. As for the Convention, the negotiating text of the Regional Implementation Annex for Africa does not include the wording of all the drafting proposals received. The Secretariat's task was to arrive at a coherent text based on these contributions and most likely to gather broad support among INCD member States.

4. One of the objectives of the Regional Implementation Annex, as reflected in the proposed negotiating text, would be to provide guidelines on the priority areas of activity for national and sub-regional action programmes in Africa. This issue is addressed in Articles 6 and 9 of the negotiating text. Committee members will note the large overlap between these two Articles and Articles 11, 12 and 14 of the Convention. If the Committee agrees that it is appropriate to set out priority areas for action programmes in the Regional Implementation Annex, it may wish to reexamine the appropriateness of retaining a detailed list in the Convention. Article 16 of the Convention may also need to be reexamined in the light of Article 14 of the Annex.

IMPLEMENTATION MEASURES IN AFRICA

Article 1

Purpose

The purpose of the present Annex is to provide guidelines and arrangements necessary for the implementation of the Convention in Africa in light of the particular conditions of that region and of Article 7 of the Convention.

Article 2

Particular conditions of the African region

The particular conditions of the African region referred to in Article 1 include:

(a) the large proportion of arid, semi-arid and dry sub-humid areas;

(b) the significant number of countries and substantial populations adversely affected by desertification and by the increasingly frequent recurrence of severe drought;

(c) the large number of landlocked affected countries;

(d) the widespread poverty prevalent in most affected countries and the significant number of least developed countries among them;

(e) the difficult socio-economic conditions exacerbated by deteriorating terms of trade, external indebtedness and political instability, which induce internal, regional and international migrations;

(f) the heavy reliance of populations on natural resources for subsistence which, compounded by demographic pressure, a weak technological base and unsustainable production practices, contributes to serious resource degradation;

(g) the inadequate institutional and legal frameworks, the weak infrastructure base and the lack of scientific and educational capacity leading to substantial capacity building requirements;

(h) the need of affected countries for significant amounts of concessional external assistance to pursue their development objectives; and

(i) the central role of actions to combat desertification and mitigate the effects of drought in the national development priorities of affected countries.

Article 3

Timetable for preparation

African affected country Parties, in cooperation with other African Parties as appropriate, shall finalize the preparation of national and sub-regional programmes, and of the regional programme, at the latest one year after the entry into force of the Convention.

Article 4

Strategic planning framework for sustainable development

National action programmes shall be a major and integral part of the single strategic planning framework for sustainable development of affected African country Parties, integrating all related sectoral activities, with flexible planning to allow maximum input from local communities.

Article 5

Preparation and format of national action programmes

1. In addition to the requirements of Article 10, sub-paragraph 2 (f) of the Convention, the following steps shall apply to the preparation of national action programmes:

(a) designation of a national entity responsible for ensuring the coordination of activities in the national action programme and for convening the national anti-desertification coordination committee established pursuant to Article 14, paragraph 4;

(b) an assessment of past and current programmes and initiatives;

(c) a review of Agenda 21 for guidance;

(d) an assessment, with local authorities and communities, as well as non-governmental organizations, of local needs and priority actions in affected areas representative of significant land use patterns and ecosystems;

(e) multidisciplinary assessment of existing information on the state of natural resources in affected areas;

(f) a national forum involving all levels of government, bilateral and multilateral assistance agencies, non-governmental organizations and local communities to provide guidance on a strategy;

(g) development of programmes and activities based on the strategy;

(h) coordination with [developed] country Parties [in a position to provide assistance], as well as intergovernmental and non-governmental organizations, leading to the conclusion of a partnership agreement in accordance with Article 14; and

(i) development and publication of the action programme in forms accessible to all levels of society.

2. National action programmes shall include the following sections:

(a) a summary not exceeding 20 pages;

(b) a brief assessment of past experience and identification of factors contributing to desertification;

(c) the overall strategy, consistent with Articles 5 and 10 of the Convention;

(d) the elements of an enabling environment;

(e) specific sectoral measures, programmes and activities reflecting precise objectives, and their institutional implications;

(f) assessment of financial, technical and human resources available and required and the means of mobilizing them; and

(g) benchmarks and mechanisms for systematic observation to measure progress in the short (up to 5 years), medium (five to ten years), and long term (ten to twenty years).

Article 6

Content of national action programmes

1. Consistent with Articles 10 and 11 of the Convention, the overall strategy section of national action programmes shall feature integrated local development programmes for affected areas, based on participatory mechanisms and on integration of strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought. The programmes shall aim at strengthening the capacity of local authorities and ensuring the active involvement of local communities and groups, with emphasis on education and training, mobilization of non-governmental organizations with proven expertise and strengthening of decentralized governmental structures.

2. The local development programmes shall focus on the following priority areas: sustainable activities creating income and employment opportunities, alternative livelihood systems featuring support to local initiative, access to basic services, social and economic infrastructure, and access to markets, credit and other financial services, particularly for women and other disadvantaged groups.

3. The section on elements of an enabling environment shall cover, inter alia, operational measures in the following priority areas as they relate to the implementation of the Convention:

(a) institutional frameworks, including the decentralization of decision-making and administrative structures, mechanisms to resolve land-use conflicts and empowerment of local communities in natural resource administration and policy formulation;

(b) reform of domestic law, including changes to land tenure regimes to provide security of tenure as appropriate, improvement of forest and conservation codes, and pastoral activity legislation recognizing herding as a sustainable use of fragile land and ensuring the complementarity of pastoralism and agriculture;

(c) national population policies, including measures dealing with family planning services, population pressure on land and desertification-induced population movements; and

(d) utilization of fiscal, pricing and trade policies, and other economic instruments, to promote the sustainable use of natural resources and proper resource valuation, including budget allocations for agricultural support, and agricultural and energy pricing.

4. The section on sectoral measures shall include appropriate actions in the following priority areas:

(a) arable land management and food security, including soil conservation, sand dune fixation, community-based assessment networks, improved agricultural productivity, integrated dryland farming systems, promotion of drought resistant crops, food reserves and expansion of feeder road networks;

(b) pasture and range management, including secure access to grazing land and water with emphasis on vulnerable groups, conflict

resolution between pastoralists and cultivators, sustainable animal husbandry, protection of animal health and genetic stock and balanced distribution of fodder sources and watering points;

(c) management of the biodiversity, including vegetation cover, wildlife and genetic diversity, village forestry, forest reserves, agroforestry practices and development of alternatives to fuelwood and other forest products;

(d) water management, including water conservation, water supply and sanitation, sustainable use of groundwater, rivers, lakes, watersheds and catchment areas and environmentally sound irrigation and drainage schemes, giving due weight to aspects of human and animal health;

(e) energy, including the development and efficient use of various energy sources, the promotion of alternative energy sources, such as natural gas, wind and solar energy, and household supply schemes alleviating the burden of women in rural areas;

(f) drought preparedness and mitigation, emphasizing improvement of early warning and response capacity, [efficient management of emergency relief and food aid], improvement of food stocking and distribution systems, cattle protection schemes and public works and employment safety nets for drought prone areas;

(g) the scientific and technical fields consistent with Part III, Section 2 of the Convention, emphasizing the strengthening of hydrological and meteorological forecasting, telecommunication networks and satellite observation, access of rural populations to climate and other data, demand-driven research and development relevant to the priority areas in this Article and application of relevant technologies at the village level; and

(h) the capacity building, education and public awareness fields consistent with Article 21 of the Convention, emphasizing activities among rural women and those who are illiterate or without access to public education, adjustment of curricula to stress environmental education, translation of relevant texts in local languages, innovative use of television and radio and assistance to competent non-governmental organizations.

Article 7

Organizational framework of sub-regional action programmes

1. In complying with Article 12 of the Convention, African affected country Parties, and other African country Parties as appropriate, shall jointly prepare a sub-regional action programme for Eastern, Northern, Southern and Western Africa.

2. The groups of country Parties referred to in paragraph 1 may delegate to a sub-regional organization responsibilities relating to the preparation and implementation of the programme, including:

(a) acting as a focal point for preparatory activities and coordinating the implementation of the action programme;

(b) assisting in the conceptualization and implementation of joint activities and, as appropriate, of national action programmes;

(c) ensuring the exchange of information, experience and know-how as well as harmonization of relevant national legislation; and

(d) any other responsibilities relating to the implementation of sub-regional action programmes, as appropriate.

3. Specialized sub-regional institutions may be entrusted with the responsibility to coordinate activities in their fields of competence.

Article 8

Preparation and format of sub-regional action programmes

1. Concerned African country Parties shall establish, in each sub-region, a consultative process supported by a task force of relevant sub-regional institutions, to oversee the preparation of sub-regional action programmes and agree on priority areas. The following steps shall apply to the preparation of sub-regional action programmes:

(a) assessment of past and current programmes, policies and agreements at the sub-regional level, and of their relationship with national programmes;

(b) evaluation of the mandates, structure and operations of sub-regional entities, notably institutions responsible for the management of shared resources such as river basins and lakes;

(c) review of Agenda 21 for guidance;

(d) listing, and analysis, of shared natural resources, migration patterns and other transboundary phenomena;

(e) identification of national objectives related to desertification and drought which can better be met by sub-regional initiatives;

(f) coordination with [developed] country Parties [in a position to provide assistance], as well as intergovernmental and non-governmental organizations, leading to the conclusion of a partnership agreement pursuant to Article 14; and

(g) development and publication of a joint action programme.

2. Sub-regional action programmes shall include the following sections:

(a) a summary not exceeding 20 pages;

(b) a brief description of past experience and of the major characteristics of the sub-region bearing on sub-regional activities in support of action at the national level;

(c) an overall strategy, including shared priorities;

(d) specific measures, programmes and policies;

(e) an assessment of financial, technical and human resources available in the sub-region, and those required; and

(f) mechanisms for coordination and implementation of joint measures, including the responsibilities of sub-regional organizations.

Article 9

Content of sub-regional action programmes

Priority areas for sub-regional action programmes shall include:

(a) joint management, through bilateral or multilateral mechanisms, as appropriate, of shared natural resources such as river and lake basins and aquifers, of transboundary land conservation activities, and of other relevant transboundary issues;

(b) coordination of programmes to develop alternative energy sources, to control pest invasions and to combat insect predators as well as plant and animal diseases;

(c) capacity building, education and public awareness activities better carried out or supported at the sub-regional level;

(d) scientific and technical cooperation, particularly in the meteorological and hydrological fields, including networking for data collection and assessment, information sharing and project monitoring, as well as coordination and prioritization of basic research and development activities;

(e) early warning systems and joint planning for drought emergencies, including measures to address the problems resulting from environmentally induced migrations;

(f) mechanisms to share experiences, particularly regarding popular participation, the creation of an enabling environment at the national level, and land-use management and technologies;

(g) strengthening of the capacity of sub-regional organizations to coordinate and to provide technical services, as well as the establishment, reorientation and strengthening of sub-regional centres and institutions; and

(h) policies in areas such as trade which impact affected areas and populations, including the coordination of regional marketing regimes and common infrastructure.

Article 10

Organizational framework for regional action programme

1. In preparing and implementing a regional action programme in accordance with Article 13 of the Convention, African country Parties may delegate responsibilities to regional organizations. They shall jointly determine the procedures for drawing up the programme.

2. The Conference of the Parties shall provide appropriate support with a view to ensuring that African regional organizations are in a position to fulfil the responsibilities entrusted to them by the Convention.

Article 11

Content of the regional action programme

The regional action programme shall include measures related to desertification and drought in the following priority areas:

(a) the sharing of experience among affected countries and sub-regions of Africa, and with other affected regions, particularly

on institutional and legal reform, popular participation, integrated local programmes and land management;

(b) the utilization and strengthening of continent-wide fora to:

(i) build regional consensus on key policy areas and coordinate actions at the sub-regional level, including through permanent consultations of sub-regional organizations;

(ii) ensure that continent-wide policies and initiatives give due priority to affected areas and to the participation of their populations in planning and decision-making; and

(iii) seek solutions with the international community to global economic issues, such as debt and trade, which impact affected areas; and

(c) the reorientation and strengthening of regional centres and institutions to perform functions enhancing national and sub-regional programmes, particularly:

(i) capacity building, education and public awareness activities better implemented at the regional level;

(ii) the promotion of scientific and technological cooperation, particularly in the fields of meteorology, hydrology and alternative energy sources, coordination of sub-regional research centres and establishment of regional priorities for basic research;

(iii) coordination of networks for systematic observation and assessment and information exchange, as well as their integration into world-wide networks; and

(iv) coordination and support of sub-regional early warning systems and drought contingency plans.

Article 12

Strengthening of United Nations and other institutions

The Parties shall work together in the governing bodies of United Nations agencies, international financial institutions and other organizations active in Africa to strengthen them with a view to ensuring they are in a position to assist African country Parties in implementing the Convention.

Article 13

Financial and technical cooperation

1. The Parties shall [adopt the necessary policies and mechanisms to give priority to Africa in the utilization of the special fund established pursuant to Article 23, paragraph (3) of the Convention, and shall] give priority attention to African concerns in creating an enabling international environment pursuant to Article 4, sub-paragraph (2) (b) of the Convention.

2. Consistent with Article 22, sub-paragraph (1) (d) of the Convention, the Parties which are also members of the governing body of the African Development Bank shall support the establishment of a special facility to enable the Bank to give higher priority to combatting desertification and mitigating the effects of drought.

3. African affected country Parties and [developed] country Parties [in a position to provide assistance] shall assess the impact on the implementation of the Convention of all programmes of financial and technical cooperation, and rationalize and strengthen them inter alia by ensuring that:

(a) the overhead and support costs of such programmes do not detract from their objectives, generally not exceeding twenty percent of total costs;

(b) standard, simplified, procedures for funding are adopted; and

(c) national experts, or, where necessary, other African experts, are utilized on a priority basis in programme design and implementation.

4. African affected country Parties shall inventory domestic financial resources, ensure they are used more effectively and provide a stable political environment and a macro-economic framework conducive to the mobilization of funds and to private investment. They shall set up policies and procedures to channel funds effectively to local development programmes, including through non-governmental organizations, as appropriate.

5. African country Parties shall rationalize and strengthen, as appropriate, sub-regional and regional organizations to ensure efficient use of existing resources and to facilitate mobilization of additional resources. They shall reinforce the resource mobilization capacity of the Organisation of African Unity to combat desertification and mitigate the effects of drought, including measures to make its special drought fund operational.

6. [Developed] country Parties [in a position to provide assistance] shall allocate to African affected country Parties for implementing the Convention an increased percentage of their respective official development assistance envelopes and other forms of assistance.

Article 14

Coordination and partnership agreements

1. The concerned African Party or Parties and [developed] country Parties [in a position to provide assistance] shall coordinate the preparation, negotiation and implementation of national and sub-regional action programmes. They shall involve relevant intergovernmental and non-governmental organizations in this process.

2. Such coordination shall serve to ascertain, and agree on, resource requirements, to mobilize financial resources, to maximize the efficient use of resources and avoid duplication of effort, to ensure that financial and technical cooperation is consistent with the Convention and to provide the necessary continuity in the use and administration of resources.

3. The [Permanent] Secretariat shall facilitate the convocation of consultative groups to negotiate and conclude partnership agreements based on each sub-regional action programme and specifying the contributions of the affected African country Parties and other members of the group to the programmes, and to serve as a forum for the negotiation and conclusion, by the parties concerned, of national partnership agreements developed in accordance with sub-paragraph 4 (b). Participation in consultative groups shall be open to African country Parties of the sub-region, relevant sub-regional and regional organizations, [developed] country Parties [in a position to provide assistance], and intergovernmental organizations, as well as representatives of relevant non-governmental organizations. Members of each consultative group shall determine the modalities of its management and operation. In addition, the consultative groups shall:

(a) review the nature and level of cooperation at mutually agreed intervals to ensure the adequacy and timeliness of support;

(b) ensure the establishment and harmonize the work of the national anti-desertification coordination committees of the sub-region;

(c) assist national anti-desertification coordination committees in meeting the objectives of Article 23, paragraph (2) of the Convention on the preparation of a flow of funds inventory; and

(d) perform other mutually agreed coordination tasks.

4. African affected country Parties shall establish, under the aegis of the relevant sub-regional consultative group, a national anti-desertification coordination committee composed of national government agencies, participating [developed] country Parties [in a position to provide assistance], intergovernmental organizations and representatives of non-governmental organizations, to serve as the focal point for the coordination of assistance relating to the preparation and implementation of action programmes. The committees shall:

(a) identify and prioritize requirements for financial and technical cooperation;

(b) develop, for consideration at meetings of sub-regional consultative groups, partnership agreements based on the national action programmes, specifying the contributions of the affected country Party and of participating members of the international community, including financial and technical cooperation and adaptation of assistance delivery mechanisms, as appropriate;

(c) monitor and evaluate the implementation of agreed national action programmes through specific benchmarks, and recommend appropriate adjustments to partnership arrangements;

(d) ensure efficient communication among participants;

(e) recommend practical measures to integrate national planning and programming efforts into a single framework;

(f) provide the Conference of the Parties with information to assist the preparation of the flow of funds inventory pursuant to Article 23, paragraph (2) of the Convention; and

(g) prepare publicly available progress reports on implementation of the national action programmes, including recommendations for new emphasis in follow-up activities.

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